

1891-018 Chancery Causes: M. W. Reese vs. James B. Ward  
Lee Co.

1 Plat

CA Debt

T-Property

-Deed



To the Hon. H. S. K. Morrison Judge of the  
Circuit Court for the Co., Vt.

Your orator M. N. Duse, a citizen  
of said county and State humbly complaining  
would respectfully represent unto your honor  
that James B. Hard being seized and possessed  
in fee simple, or otherwise well entitled to a  
tract of land (worth as your orator supposes  
\$1000 to \$1500) lying in the County, Vt., ap-  
plied to your orator to advance and lend him  
the sum of \$156.25 upon the security of  
the said land; and thereupon your orator  
agreed with him to do so, and did accord-  
ingly lend him the said sum of \$156.25.

The said James B. Hard on getting said sum of  
money and in accordance with his agree-  
ment executed to your orator a deed of mort-  
gage conveying said land as in said mort-  
gage recited - which deed is herewith filed  
as an exhibit with this bill, marked A, and  
prayed to be taken as a part thereof.

Your orator would further show unto your  
honor that at the time limited and appointed  
by the said deed of mortgage for the re-payment  
of the said sum of money, with legal interest  
thereon, to wit: on the 13 day of Dec., 1888  
the said James B. Hard failed, refused and neg-  
lected to pay the same or any part thereof to  
your orator, and that the said sum of mon-  
ey as well as all the accruing interest thereon  
is yet due and unpaid. Whereupon your orator  
is advised that by reason of such failure on the  
part of the said Hard to make such payment,



1 The said land with its appurtenances, in law  
2 became vested in your orator and to all intents  
3 and purposes <sup>in that form</sup> your orator is the legal owner there-  
4 of. But since the object of said mortgage  
5 was only to secure unto him the re-pay-  
6 ment his money with its interest, your orator  
7 is further advised that notwithstanding said  
8 default of said Hard, he is entitled to  
9 a right of redemption, and that your orator  
10 in equity is only entitled to have the sub-  
11 ject of said mortgage subjected to the  
12 payment of said sum of money with  
13 its accrued interest.

14 Now with these representations and in-  
15 asmuch as your orator is remediless in  
16 the premises by the strict rules of the com-  
17 mon law, and can not have adequate relief,  
18 except in a court of equity, where matters of  
19 this kind are properly cognizable and re-  
20 livable, your orator humbly seeks your  
21 honor's court for relief. To that end there-  
22 fore that justice may be done in the premis-  
23 es, your orator prays that the said James  
24 B. Hard be made a party defendant to this  
25 bill of Complaint: and be required to answer on  
26 his corporal oath its statements and swer-  
27 al allegations as fully and completely as if  
28 the same were here repeated and he ~~re-~~  
29 specially interrogated thereto; that the  
30 said defendant by a short day to be ap-  
31 pointed by your honor, may be decreed  
32 to pay your orator said sum of money  
33 with legal interest thereon from the 13<sup>th</sup>



v.c. 1887

33571

day of Dec. 1887 till paid; That on  
default of such payment the said James  
B. Ward may be forever barred and fore-  
closed of and from all right of redemp-  
tion of, in and to said mortgaged premises,  
or any part thereof; That the said Mort-  
gaged premises may be decreed to be sold  
on a short time; That proper process  
may be directed against the said defendant,  
and that your orator may have all such  
further and other and general relief as the  
nature of his case may require, or to equity  
shall seem proper and meet.

And your orator will ever pray &c.

E. H. Remington, p. q.







M. N. Reese,

Compte.

vs. { In Chancery  
J. B. Ward

Deft.

This cause came on again this day to be heard upon the papers formerly read in this cause, the report of Court. Pennington this day filed, and the two deeds filed therewith, and was argued by Counsel. On consideration of all which, ~~and it appearing that said report had been filed for more than 10 days before the sitting of this Court and that the same is accepted~~ <sup>and</sup> for reasons appearing to the court said report and deeds filed therewith are confirmed. And it is further adjudged, ordered and decreed that the Clerk of this Court deliver the said deeds to the parties entitled thereto. And this cause is stricken from the docket.



M. N. Reese,  
vs. Deere  
J. B. Ward

Enter this  
Sept. 3, 1891.  
H. K. M.

Ent. page 349  
Co. Book No 3  
Sept 3 1891 Hyatt



M. M. Russ Compt.

vs

J. B. Ward

Deft.

In Chancery.

This cause came on again this day to be heard upon the ~~bill~~ papers formerly read in the cause, the report of Comr. Pennington and was argued by Counsel: On consideration of all of which, and it appearing that said report had been filed for more than 10 days before the sitting of this Court and that the same is unexcepted to, for reasons appearing to the Court said report and the sale of land therein reported is hereby confirmed. And <sup>where</sup> said purchasers pay the amount of their land executed to said Court, then E. H. Pennington will make said purchaser or his assignee for which ~~they will pay him~~ <sup>he will pay him</sup> a deed to said land, and report his action to this Court, and this cause is continued.



M. H. Russell

v2 } Decm no. 2

J. B. Hard

Entered Chex 883  
page 216-17.

Sept. 3 1889.

J. A. S. Hyatt & Co

Enter this

no. 883

Sept- 8<sup>th</sup> 1889.



M. N. Rose Compl't.  
vs. } In Chancery.  
James B. Ward Def't.

This cause came on this the day of April, 1887, to be heard upon the bill of the Complainant and exhibit filed therein, and was argued by counsel. And it appearing to the court that process had been duly served upon said defendant for more than two weeks before the calling of this cause, and the said defendant still failing to appear and plead, answer and demur to the said bill the same is taken for confessed. On consideration whereof, the court doth adjudge, order and decree that unless the said defendant, do, within one month from the date hereof pay to the plaintiff the sum of \$156.25 with legal interest thereon from the 13<sup>th</sup> day of December, 1887, till payment, and the costs of this suit, the said defendant, his heirs and all persons claiming under him be from thenceforth forever barred and foreclosed of and from all equity of redemption in the tract or parcel of land in the bill and proceedings mentioned; and in the event of default in the payment of said sum of money and the interest and costs of suit aforesaid, that E. W. Pennington, who is hereby appointed a special commissioner for the purpose, do,



after having advertised by written or printed notices the time and place of sale for 30 days, posted at the front door of the court house of Du County,  $7\frac{1}{2}$ , at Hard's Mill, and at J. J. C. Flanagan's Bra's store in said county, on some court day at public auction, to the highest bidder <sup>in case for sale</sup> the said tract or parcel of land or so much thereof as may be necessary to pay said debt, interest thereon and the costs of this suit, on the following terms, to wit: an amount sufficient in hand to pay the costs of this suit and commissions of sale, and an amount sufficient to pay said debt and interest to date of sale in six months, and the residue, if any on 12 months time. For said deferred payments said commissioner will take notes bearing interest from date of sale with good personal security, payable to himself as such commissioner, and when the same becomes due he will collect and pay over to the said complainant the sum of \$156.25 with legal interest thereon from the 13<sup>th</sup> day of December, 1887, till time of payment, and the residue of the sale price of said land he will collect and pay over to the said defendant. But the said Lexington before proceeding to act under this decree will execute bonds before the clerk of this court in the penalty of \$400, and conditioned for the faith



1 full discharge, by him, of his duties  
2 as such commissioner. And the said  
3 commissioner is directed to report his  
4 proceedings under this decree, to the  
5 court at the same future time  
6 thereof and this cause is contin-  
7 ued.



M. N. Russ

v2 } Docu no. 1

James B. Hard

Entered Choy O.B.

No 5 page 187.8

J. A. Hyatt Co

enter this.

W. S. K. M.

April 2 1889



W. H. Russ

vs.

Ex Chanc.

James B. Hard

To the Hon. H. S. K. Morrison  
Judge of the Circuit Court of the Co.

Your undersigned coun.  
in the above styled cause begs  
leave to report That on the 7th  
day of May 1889 pursuant to a  
decree rendered in said cause,  
after having duly advertised the  
same, proceeded to sell enough of  
the land in the line and proceed-  
ings mentioned to pay the debt  
of said plaintiff & the costs of  
said suit to the highest bidder  
and at the front door of the court-  
house of Lee county; and there-  
upon he offered to sell 30  
acres of said land lying on the  
Southwest corner of said tract  
and beginning on the Drake  
corner, and L. S. Hard and J. R.  
Hard became the best and highest  
bidder for the same and it was  
knocked off to them at a bid  
of \$202.70. They paid your  
coun. \$35.45 the costs & com-  
missions of sale, and executed  
to your coun. a note for \$167.25-  
with P. M. Reason, C. C. Stout and  
J. M. Hard as sureties. So far



as your cause. I know he will advise the confirmation of this report. The purchasers were the drifts, sons and so it may be supposed that there was an arrangement among them all. All of which is respectfully submitted,

E. W. Huntington  
Counsel

W. M. R. C. C. C.  
C. C. C. C. C.  
C. C. C. C. C.

J. B. Ward

Filed May 18<sup>th</sup> 1889.

J. B. Ward



M. N. Ruse

vs.

J. B. Ward

} In Chanc

Your undersigned Court-  
in said cause beg leave to  
report that J. B. Ward & J. S. S.  
Ward have fully paid the  
purchase price of said land,  
and the money rec'd thereon has  
been fully paid out to those en-  
titled thereto, and in pursuance  
to the order heretofore made  
in said cause on the 3<sup>rd</sup> day of  
Sept., 1889, your undersigned  
Court- has made the deeds  
required thereby and file  
the same herein for the con-  
sideration of the Court-

All of which is submitted  
Sept- 3/91 E. H. Huntington

Spe- Court-

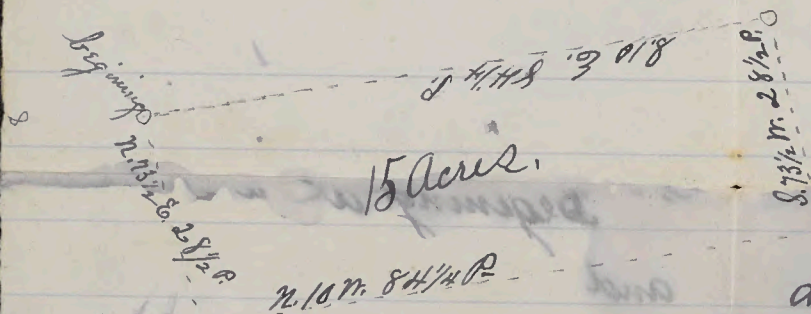


Mr. N. House

vs. } Report

J. B. Ward





15 Acres.

Courses of plat of land  
for L. D. Ward Mch. 7. 18 90.

Beginning at a Chestnut  
and Black oak in a line

of M. Robinette's land and running thence N.  $73\frac{1}{2}$  E.  $28\frac{1}{2}$  Poles  
to a stake; thence N.  $10$  W.  $84\frac{1}{4}$  poles to a stake; thence S.  $73\frac{1}{2}$  W.  
 $28\frac{1}{2}$  poles to a stake in M. Robinette's land; thence with said  
M. Robinette's line S.  $10$  E.  $84\frac{1}{4}$  poles to the beginning containing  
15 Acres more or less,

J. N. Duff.



L. D. Mark.

Charges - 14 days Surveying @ 2.00 28.50

Platting of Same

Due J. R. Duff  $\frac{.15}{.65}$

cr. by work by John 65



Know all men by these presents —  
This 13<sup>th</sup> day of December 1887  
That I James B Ward of Lee County  
farmer, in consideration of one hundred  
156<sup>25</sup>/<sub>100</sub> (fifty six <sup>five cents</sup> ~~twenty~~) dollars to me paid by M M  
Reese (the receipt whereof is hereby  
acknowledged) do hereby give, grant,  
bargain, sell and convey unto the  
said M M Reese his heirs and  
assigns a certain tract or parcel of  
land situate in Lee County, bounded  
and described as follows, viz:

Beginning at a chestnut and black oak in a line of Martin Drake's  
land thence N 73 $\frac{1}{2}$ ° E 70 p to a chestnut thence N 57° E 34 p  
to a black oak N 5 $\frac{1}{2}$ ° W 9 $\frac{1}{4}$  poles to a stake, N 66° E 17 p  
to two chestnuts, N 15° E 12 p to a stake, thence 23 W 20 p  
to a stake, N 57° E 24 p to stake, N 49° E 23 $\frac{1}{4}$  p to a stake  
N 40 W 33 p to a stake N 71° E 23 p to an ash on  
Cave ridge thence up said ridge to the top of the  
mountain thence with mountain to two chest-  
nut oaks, thence 31 $\frac{1}{2}$  poles to the beginning  
with all the privileges and appurtenances  
thereto belonging, To have and to hold the  
above-granted premises to the said M M  
Reese, his heirs and assigns to his and their  
use and behoof forever. And I the said  
J B Ward for myself and my heirs and executors  
and administrators, do covenant with the  
said M M Reese his heirs and assigns



That I am lawfully seized in fee-simple  
of the afore-granted premises that they  
are ~~all~~ free from all encumbrances;  
That I have good right to sell and convey  
the same to the said M N Reese his heirs  
and assigns forever as aforesaid, and  
That I will, and my heirs, executors, and  
administrators shall warrant and  
defend the same to the said M N Reese  
his heirs and assigns forever, against  
the lawful claims and demands of  
all persons.

Provided, nevertheless that if the  
said J B Ward, his heirs, executors  
or administrators shall pay unto the  
said M N Reese, his executors heirs or  
administrators or assigns the sum of  
\$156 <sup>75</sup>/<sub>100</sub> dollars in one year  
from the date of these presents, with  
interest on said sum at the rate of six per  
centum <sup>certain</sup> per annum. Then this deed, as  
also a promissory note bearing even date  
with these presents signed by the said J. B.  
Ward, whereby the said J. B. Ward promises  
to pay to the said M N Reese the said  
sum and interest at the time aforesaid  
shall both be absolutely void to all  
intents and purposes.



And provided also, That, until  
default of the payment of the said sum  
~~and~~<sup>or</sup> interest, or other default as herein  
provided, the mortgagee shall have  
no right to enter and take possession  
of the premises.

In witness whereof We have hereunto  
set our hands and seals on the day  
and year above written  
Signed sealed and  
delivered in the presence  
of R. E. Wolfe.

James B. Ward Seal  
Seal

Virginia County of Lee to wit  
I C. D. Bailey a Notary Public for Lee  
County in the State of Virginia do certify that  
James B. Ward whose name is signed to the  
writing hereto annexed bearing date on the 13  
day of December 1887 personally appeared before  
me in my County aforesaid and acknowledged  
the said writing to be his act and deed. Given under  
my this March the 30 1888 C. D. Bailey N. P.



523 poles  
to fence  
660 poles to  
the old road

940

64

900	100
740	140
37 600	725
8460	80
883 600	125
210	21 0.25
883 810.25	7940.1
81	
184 738	
73	
18801	2 1025
	15901

21.00	11.25
5.00	4.50
26.00	45
8.25	30
7.50	25
5.00	16.75
25	5.00
5.00	17.25
73.50	
1725	
56.25 - Balance	22
10.00	29
156.25	38
	29
	22
	511

22  
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Filed Apr 2<sup>nd</sup> 1888.



Virginia Lee County Court Clerk's office April 2, 1888  
The foregoing deed bearing date Dec. 13, 1887 between  
James C. Ward of the one part and ~~J. C. Ward~~ <sup>M. St. Reese</sup>  
~~Henry~~ of the second part, all of Lee County Va. was  
this day filed in this office and admitted to record  
upon the foregoing certificate.

Teste J. R. Gibson Clerk.



(34)  
M. N. Reese  
From Deed

James B. Ward  
Recorded in Deed Book  
No 23 Page 182.

John R. Gibson  
Clerk

Examined Apr 28, 1888

"A"

15-4-  
7.80

Tax 50  
6 1.25  
1.75



In the Clerk's Office of the Circuit Court of the County of Lee on the 28<sup>th</sup> day of

January 1892

Betherton & Co

Plaintiff

against

In Chancery

G. G. Southern et al

Defendant

The object of this suit is to foreclose a mortgage taken on Lot "B" at Cumberland Gap in Lee County Va. to secure the payment of \$411.00 & all legal interest and costs attending the collection of the same.

And an affidavit having been made and filed that the defendants G. G. Southern, Ambrose Johnson & L. C. Chance ~~Admors~~ <sup>Adms</sup> not residents of the State of Virginia, it is ordered that ~~of the State of Va. L. C. Johnson and L. C. Chance~~ <sup>they</sup> do appear here within fifteen days after due publication hereof, and do what may be necessary to protect their interest in this suit. And it is further ordered that a copy hereof be published once a week for four week's in some newspaper, and that a copy be forthwith posted at the front door of the court-house of this county.

A copy—Teste:

p. q.

Pennington & Coins

J. A. Hyatt Clerk.



Better & Co.

Order  
vs. Ruk

Southey et al

I certify that

I deposited an

office copy of

this order on

the Court house

on first day of

July Term 1872

J. A. S. S. Co.



Known all men by these presents  
That E. H. Pennington and J. A. S. Hyatt  
are held and firmly bound unto the  
Commonwealth of Virginia in the just-  
and full sum of four hundred dollars  
for which payment well and truly  
to be made unto the said Common-  
wealth, we bind ourselves and each  
of our us and our heirs or jointly and  
severally firmly by these presents, &  
as to this debt we hereby waive the  
benefit of our homestead exemptions  
and also any right to discharge this  
debt in the courts of this State.  
Witness our hands and seals this the  
24<sup>th</sup> day of April, 1889.

The condition of the above obliga-  
tion is such that whereas the said E.  
H. Pennington was by a decree entered  
in the chancery cause of M. N. Russ  
vs. James B. Ward on the 2<sup>nd</sup> day of April,  
1889, appointed a Commissioner, and  
therein directed to sell certain lands  
mentioned in said bill. Now should  
the said E. H. Pennington faithfully  
perform the duties assigned him  
in said decree and properly account  
for all sums of money he may re-  
ceive as such commissioner. Then this obliga-  
tion to be void otherwise to remain in full  
force and effect. E. H. Pennington Seal  
J. A. S. Hyatt. Seal



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*M. W. Rice*

*Bound of*  
*vs } Court for*  
*} Sale of Land*

*Jos. B. Hardy*



# The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

We Command You to Summon

*James B. Ward*

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday in *March* next, being rule day to answer a bill in Chancery exhibited in our said Court against *him* by

*M. A. Reese*

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This *21<sup>st</sup>* day of *February* 18*89*, in the 11*3* year of the Commonwealth.

*J. A. G. Hyatt* Clerk.

A Copy Teste



E. W. P.

M. N. Reese

us 3<sup>rd</sup> Spa in Chcy

James B. Ward

To 1<sup>st</sup> March Rules 1889.

Executed by  
delivering and  
office copy of the  
Summons to

James B. Ward

Feb 25 1889

R. B. Flanary S. L.



# SALE OF LAND.

VIRGINIA, Lee County Circuit Court :

*M. N. Russ*

Plaintiff,

*vs*

In Chancery.

*James B. Ward*

Defendant,

Pursuant to a decree rendered in this cause at the *March* term, 1887 the undersigned Commissioner will proceed to sell at the front door of the Courthouse of said County, on the first day of the *May* term 1889 of the County Court of said county, to the highest bidder on a credit of *six* mos. enough to pay the debt of the said plaintiff and its interest and the residue in the 12 months the land in his & proceedings mentioned.

except so much as may be necessary to pay the costs of suit and expense of sale will be required to be paid in hand, and for the remainder, bonds with good security will be required of the purchaser bearing interest from day of sale.

*W. H. Huntington*

COMMISSIONER.

The bond required by law has been given.

Clerk.

Prin. of debt	\$156.25 due Dec 19/87	156.25-
Int. on same to May 7/89		11.05-
Costs of suit &c.		25.80
Commission		9.60
		<u>\$ 202.70</u>



In the Clerk's Office of the Circuit,  
Court, of the County of Lee, on the 28th  
day of January 1892.

Betterton & Co., Plaintiffs. }

vs } In Chair-  
G. G. Southern, et al Defts } cery.

The object of this suit is to foreclose a mortgage taken on lot 14, at Cumberland Gap, in Lee county, Va., to secure the payment of \$411.00 and all legal interest and costs attending the collection of same. And an affidavit having been made and filed that the defendants G. G. Southern, Ambrose Johnson and L. C. Chance, administrators of the estate of H. G. Johnson, deceased, are non-residents of the State of Virginia, it is ordered that they do appear here, within fifteen days after due publication hereof, and do what may be necessary to protect their interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks, in some newspaper, and that a copy forthwith posted at the front door of the courthouse of this county.

A copy—Teste:

J. A. G. Hyatt, Clerk.

Pennington & Goins p. q.

Feb-4

Virginia, Lee County, To-wit:

J. Geo. C. Coleman, the editor  
and publisher of the Lee County  
Republican, a newspaper printed  
in the town of Jonesville, in  
the county of Lee, Virginia,  
do certify that the foregoing  
order of publication was  
duly published in said  
newspaper, for four successive  
line weeks, from and after  
the 4 day of Feb. 1892 Ending

J. Geo. C. Coleman  
Editor & Publisher.

4<sup>th</sup> March



Butterton & Co.

vs. Proffitt

G. G. Southern et al

Filed March 14<sup>th</sup>  
1892.

J. A. Wyatt

Drs fee 54